

10-16-06

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Melody M. Benton

Serial Number: 10/619,222

Filing Date: 07/14/2003

Art Unit: 1615

For: METHOD AND COMPOSITION FOR TREATING HAIR

RESPONSE UNDER 35 USC 121

October 13, 2006

Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313

Dear Sir;

In response to the Restriction Request dated September 27, 2006, please be advised that applicant provisionally elects Species I of claims 1-4.

The requirement for election is respectfully traversed, inasmuch as the Examiners stated basis for restriction that there would be a serious burden placed upon the examiner because the inventions of claims 1-4 and claim 5 have different classifications and would require divergent fields of search.

Applicant submits that, in his past experience, art has been cited from divergent classifications to support a rejection under 35 USC 103 and that the search of more than one field is not an uncommon burden. Moreover, each step of the method of claim 5 is formulation specific and inherently related to claims 1-4.

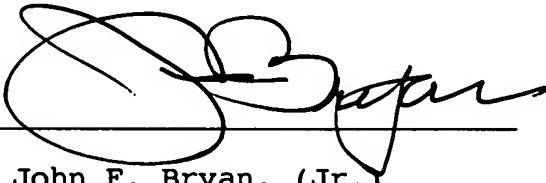
As to the process being capable of use to make another product, applicant respectfully disagrees in that she has experimentally determined that the steps and ingredients described, are uniquely essential to her product.

Applicant would pray that the examiner not be unduly constrained in her search in the event that disabling art for the instant application might be found in some divergent, but related field,

A preliminary amendment is also submitted herewith, to make the terminology of claim 1 fully consistent with the specification and place the claims in better condition for allowance.

Examiner's reconsideration of the restriction requirement is hence solicited.

Respectfully submitted;



John F. Bryan, (Jr.)

10/13/06
date

Registration No, 33,320